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Pro Se

**FILED**  
UNITED STATES DISTRICT COURT  
SANTA FE, NEW MEXICO  
JUL - 1 2026 *ER*  
ERIK PALTROW  
CLERK

**IN THE UNITED STATES DISTRICT COURT,  
FOR THE DISTRICT OF NEW MEXICO**

Lane Myers;  
Plaintiff,

v.

Angel Moreno, individual capacity;  
Kent Wahlquist, individual capacity;  
Mary Carmack-Altweis, individual  
capacity;

,

Defendants.

No. CV 26-2122

**Complaint for Civil Rights  
Violations**

Hon. \_\_\_\_\_

## **INTRODUCTION**

NOW COMES, the Plaintiff, Lane Myers to file this Civil Rights Complaint against the Defendants. In support thereof, he submits the following:

## **THE PARTIES**

### **Plaintiff-**

Lane Myers  
P.O. Box 30554  
Tucson Arizona, 85751  
[lanesbackupacct@gmail.com](mailto:lanesbackupacct@gmail.com)

### **Defendants-**

#### **Angel Moreno**

– At all times material herein, Officer Angel Moreno acted within the scope of his employment with the New Mexico State Police Department, and under color of law. Defendant engaged in wrongful conduct that allowed, caused, and/or contributed to the cause of the violations of the Plaintiff's

4491 Cerrillos Rd.

Santa Fe, NM 87507

**Kent Wahlquist-**

At all times material herein, Kent Wahlquist acted within the scope of his employment with the 1<sup>st</sup> Judicial District District Attorney Office, and under color of law. Defendant engaged in wrongful conduct that allowed, caused, and/or contributed to the cause of the violations of the Plaintiff's

327 Sandoval St

Santa Fe, NM 87501

(505) 827-5000

**Mary Carmack Altweis-**

At all times material herein, Mary Carmack -Altweis acted within the scope of her employment with the 1<sup>st</sup> Judicial District District Attorney Office, and under color of law. Defendant engaged in wrongful conduct that allowed, caused, and/or contributed to the cause of the violations of the Plaintiff's

327 Sandoval St

Santa Fe, NM 87501

(505) 827-5000

## JURISDICTION AND VENUE

All previous paragraphs are incorporated. The events, acts, and/or omissions as described more fully throughout the paragraphs of this Complaint are not within the Exclusive Jurisdiction of any other Court.

This action arises under the First, Fourth, and Fourteenth Amendments to the United States Constitution and is brought under the Civil Rights Act of 1871, 42 U.S.C. §§ 1983

Myers seeks monetary damages against the Defendants for violating his clearly established First, Fourth, 14<sup>th</sup> Amendment rights. Myers also seeks monetary damages against Defendant Moreno for making harmful, offensive, and excessive contact with him when arresting him without legal authority to arrest him.

Accordingly, this Court has subject-matter jurisdiction under 28 U.S.C. § 1331 (federal question jurisdiction) and § 1343 (civil rights jurisdiction).

Venue is proper in the District of New Mexico under 28 U.S.C. § 1391(b)(1) because at least one of the Defendants resides in this District.

Venue is also proper in this judicial district under 28 U.S.C. § 1391(b)(2) because a substantial part of the events and omissions giving rise to Myers's claims occurred within this District.

### **FACTUAL ALLEGATIONS**

- On July 1st, 2023 Mr. Myers arrived at Hopewell Lake Campground in the Carson National Forest to camp with his girlfriend and 2 dogs
- Myers traveled 11 hours each way and took paid leave from work to travel to Hopewell Lake over the 4<sup>th</sup> of July weekend.
- Hopewell Lake Campground is a first come first serve only campground. No reservations allowed.
- Myers found an unoccupied campsite and entered the campsite
- Myers unpacked his stuff and began setting up camp
- Myers's girlfriend left with dogs to go hike Continental Divide Trail
- 45 minutes after Myers had arrived and began setting up Camp Host Doug Downey approached Myers and told him he was occupying a reserved campsite.
- Myers indicated the Federal campground website indicated no reservations were allowed and it was first come first serve.

-Downey said he was holding it for his friend who was fishing at the lake and would be back later that afternoon

-Myers indicated that was a violation of US Forest Service policy because actual Federal Law states you can not reserve a first come first serve site. Or hold it for someone.

-Downey indicated that he was the camp host and he can do whatever he wants

-Myers indicated that he was merely a camp host and had no actual authority to issue lawful orders on National Forest Land.

-At this point Downey began screaming at Myers that he had 15 minutes to have all his stuff off the campsite

-Downey indicated Myers could move to another campsite a few hundred yards away.

-Myers instructed Downey that he would start packing his stuff, however he would not be able to pack up his entire campsite in 15 minutes alone.

-Myers also instructed Downey that his girlfriend was out camping and had the keys to move her truck.

-Downey again told Myers he had 15 minutes have all his stuff packed and moved

-Myers reiterated that he had no problem moving it would just take more than 15 minutes, and furthermore there was several hours before his friend was coming to campsite

-Downey stated its his campground and he makes the rules.

-Myers then politely and calmly told Downey “go clean the toilet like he is supposed to be doing”, and that Myers would move as fast as he can

-Downey then started screaming that Myers had to leave the campground completely because he didn't like Myers attitude of telling him to go clean the toilet

-Myers stated he would be moving to another open campsite like Downey asked, and he would not be leaving National Forest Land because a campground toilet cleaner thinks he has some perceived but nonexistent authority to revoke permission to enter Federal Lands without Due Process

-Myers stated that you must commit an actual crime not hurt the toilet cleaners feelings to have permission to enter revoked by a Federal Magistrate Judge during a court appearance with Due Process.

-Downey stated he would be calling the police and having Myers removed if he doesn't leave

-Downey then got in his company truck and left Myers area

-Myers then continued packing his stuff up to move to another campsite

-During this time Myers girlfriend returned to the campsite with the dogs

-A short time later Doug Downey came speeding up in his company truck, got out and started aggressively walking towards Myers inside the campsite

-Downey walked right past a clearly visible beware of dog sign in the front window of Myers truck while yelling at Myers

-Myers dog which was tethered to the bumper of Myers truck began coming towards Downey in a non aggressive manner

-Downey then pulled out pepper spray and pointed right at Myers dog face

-Myers gave a command to his dog and the dog returned to heel at Myers side

-Myers asked Downey what he was doing back at the campsite

-He said the cops are on the way and that Myers and his girlfriend have to leave

-Myers girlfriend, a judicial law clerk for a Federal District Judge stated that the law doesn't authorize camp hosts to give lawful orders to revoke permission to enter Federal Lands

-Downey again stated that he can do whatever he wants to do and he doesn't care about "amendments" or federal laws

-Myers told him to get in his truck and leave the immediate presence of the campsite or he would call Federal Law Enforcement and make a police report against the host This caused Downey to get completely enraged and yell out that the New Mexico State Police are on the way and they will arrest Myers before Federal Law Enforcement will be able to arrive

-Downey then got in his company truck and sped off

-Myers and his girlfriend finished packing and then moved to another open campsite about ¼ mile down the road from the first campsite

-Myers and his girlfriend then unpacked their stuff and setup camp again

-Myers girlfriend walked to the front to pay the nightly camping fee as required by Federal Law

-The camp host had covered the fee payment box with a sign that all campers must pay the camp host directly not use the designated US Forest Service fee box which is standard practice

-Myers girlfriend went to the camp host site and attempted to pay for the campsite

-Downey instructed Myers girlfriend that he was not accepting payment for the campsite and they must vacate the campground because Downey did not like Myers "attitude"

-Myers girlfriend attempted to pay again and stated I have not done anything wrong so even if you want him to leave you cant make me leave I have nothing to do with it

-Downey then again stated he can do whatever he wants as the camp host so she has to leave

-Myers girlfriend returned to the campsite and explained what happened to Myers

-It was right at this time that Officer Angel Moreno of the New Mexico State Police arrived at the campsite and set of the next unlawful turn of events.

-On July 1st, 2023 at around 2:15 pm Officer Angel Moreno arrived at Hopewell Lake Campground ---upon which he entered campsite 16 and immediately drew his weapon, and pointed it at Myers dog and girlfriend inside a vehicle while shouting “get that fucking dog away from me”.

-Myers immediately approached Moreno and asked him what was he doing

-Officer Moreno indicated that the host of the campground wanted Mr. Myers removed and he needed to leave.

-Because the camp host cleans the toilets and is not a Federal Judge with the authority to revoke 1st amendment protected liberty interests, Mr. Myers indicated he would not be leaving and attempted to end the non-consensual detainment by Officer Moreno by walking away from him.

-Officer Moreno then followed Mr. Myers, and Mr. Myers asked Officer Moreno to call his supervisor and United States Forest Service Law Enforcement due to it being Federal land and Myers having broke no laws

- Officer Moreno responded he would not be doing that, and Mr. Myers must leave.

-Mr. Myers once again invoked his constitutionally protected liberty interest to access a traditional public forum and indicated because he had not broken any laws, and the camp host did not have actual authority to have Mr. Myers removed, he would not be leaving.

-Officer Moreno then grabbed Mr. Myers by the arm and attempted to twist his arm behind his back with extreme force.

-Mr. Myers asked Officer Moreno why he was grabbing him and he indicated it was for trespassing.

-Mr. Myers informed Officer Moreno that he was not lawfully able to arrest him for trespassing because he had not broken any federal laws on federal land.

-Officer Moreno then tackled Mr. Myers to the ground while twisting his left arm causing an injury to Mr. Myers left arm.

-Once upon the ground Officer Moreno then forced Mr. Myers into handcuffs and forced him to stand up and walk to his patrol car.

-Officer Moreno then indicated that Mr. Myers was under arrest for resisting arrest and Officer Moreno forced Mr. Myers into the back of his patrol car.

-Mr. Myers was then in the custody of Officer Moreno handcuffed for approximately 9 hours riding around in the back of Moreno patrol car before being taken to the Rio Arriba County Detention Center, and booked for Criminal Trespassing, Resisting Arrest, and Concealing Identity.

-Myers immediately upon release from jail traveled to the headquarters of the Carson National Forest in Taos to make an incident report and asses the legal powers of a toilet cleaner under a Special Use permit

-Myers was then put in contact with Canuto Molina, US Forest Service law enforcement commander for the entire Southwest United States

-Molina stated that what happened to Myers was an egregious mistake by the New Mexico State Police and that they did not retain jurisdiction to enforce trespassing unless they are enforcing a previous court order from a US Magistrate judge

-Myers had never in his life violated any rules, laws, or regulations on US Forest Service Land, had never had prior permission to enter Federal Lands revoked

-Molina indicated that he would be placing a criminal investigation into the camp host for violations of Federal Law for telling Myers to leave Federal Land without any crime being committed

-Molina indicated that Myers was free to enter any Federal Lands just as he previously had been allowed to enter them

-Myers then traveled to the New Mexico State Police headquarters in Santa Fe, New Mexico to speak to Internal Affairs and made a complaint with New Mexico State Police Captain Emmanuel Gutierrez.

-Myers then traveled to the Santa Fe FBI office and made a report with the FBI Special Agent on duty.

-Myers was then drug through over 2 years of court proceedings before the State of New Mexico dropped the charges.

-Initially Officer Moreno prosecuted the case under Officer Prosecuted statutes in the State of New Mexico. When Myers filed a demand for a jury trial the case was turned of to the 1<sup>st</sup> District Attorney office in Santa Fe, New Mexico

-Kent Wahlquist and Mary Carmack Altwies continued to prosecute Mr. Myers despite the State of New Mexico lacking any jurisdiction to prosecute Myers for “trespassing” on Federal Land.

-Myers had never had his permission to enter the Carson National Forest, or any National Forest by a United States District Court Magistrate revoked prior to entering on July 1<sup>st</sup>, 2023 therefore there was no lawful justification for Myers being arrested by New Mexico State Police officer Angel Moreno

-Myers spent over 1 year not being able to use his left hand and now has significantly diminished quality of life from permanent nerve damage in his left wrist caused by being in handcuffs for over 9 hours after being slammed on his elbow and jumped on by a 250lb raging steroid cop

### **CAUSES OF ACTION**

Plaintiff is entitled to maintain an action for civil rights violations against Defendants for such losses and injuries suffered due to their Policies or Conduct as alleged herein. As a result of the wrongful acts of Defendants as set forth above, Plaintiff suffered damages. The causes of action are as follows:

#### **(COUNT ONE)**

##### **1st Amendment Violation-**

##### **Freedom of Speech, Petition, Assemble**

**42 U.S.C. 1983**

**Defendants named in their individual capacity:**

**Angel Moreno**

Because Hopewell Lake Campground is located on United States Government property, and is operated and controlled by the United States Forest Service as a traditional public forum, Officer Moreno's arrest of Mr. Myers for Criminal Trespassing under New Mexico law represents a violation of Mr. Myers rights under the United States Constitution, as well as the CFR which is how trespassing in a National Forest is enforced.

Mr. Myers has not previously had his permission to enter Hopewell Lake Campground denied or revoked by a Federal Judge in a court of law as required under the 14th amendment Due Process Clause of the United States Constitution

The camp host at Hopewell Lake Campground did not have Actual Authority to revoke or deny Mr. Myers permission to enter Hopewell Lake Campground.

Myers was lawfully present at Hopewell Lake Campground, a traditional public forum exercising his rights of free speech, assemble, and petition when he criticized the toilet cleaner host

Myers was arrested in violation of his 1<sup>st</sup> amendment rights

Myers has a 1<sup>st</sup> amendment protected liberty interest to access public forums unless he commits an actual crime, not hurting someone's ego

**(COUNT TWO)**

**1st Amendment Violation- Retaliation**

**Freedom of Speech, Petition, Assemble**

**42 U.S.C. 1983**

**Defendants named in their individual capacity:**

**Angel Moreno**

Because Hopewell Lake Campground is located on United States Government property, and is operated and controlled by the United States Forest Service as a traditional public forum, Officer Moreno's arrest of Mr. Myers for Criminal Trespassing under New Mexico law represents a violation of Mr. Myers rights under the United States Constitution, as well as the CFR which is how trespassing in a National Forest is enforced.

Mr. Myers has not previously had his permission to enter Hopewell Lake Campground denied or revoked by a Federal Judge in a court of law as required under the 14th amendment Due Process Clause of the United States Constitution

The camp host at Hopewell Lake Campground did not have Actual Authority to revoke or deny Mr. Myers permission to enter Hopewell Lake Campground.

Myers was lawfully present at Hopewell Lake Campground, a traditional public forum exercising his rights of free speech, assemble, and petition when he criticized the toilet cleaner host

Myers was arrested in violation of his 1<sup>st</sup> amendment rights

Myers has a 1<sup>st</sup> amendment protected liberty interest to access public forums unless he commits an actual crime, not hurting someone's ego

Myers was arrested in retaliation for exercising his 1<sup>st</sup> amendment protected liberty interest in a traditional public forum when he was standing in a National Forest, without his permission previously revoked, when he used protect speech to the camp host, which caused the camp host to have Myers arrested by Officer Moreno

**(COUNT THREE)**

**4th Amendment Violation- Unlawful Seizure**

**42 U.S.C. 1983**

**Defendants named in their individual capacity:**

**Angel Moreno**

Because Hopewell Lake Campground is located on United States Government property, and is operated and controlled by the United States Forest Service as a traditional public forum, Officer Moreno's arrest of Mr. Myers for Criminal Trespassing represents a violation federal law.

Mr. Myers has not previously had his permission to enter Hopewell Lake Campground denied or revoked by a Federal Judge in a court of law as required under the 14th amendment Due Process Clause of the United States Constitution

The camp host at Hopewell Lake Campground did not have Actual Authority to revoke or deny Mr. Myers permission to enter Hopewell Lake Campground.

Officer Moreno had a lawful duty to verify that the camp host had Actual Authority to authorize Mr. Myers being removed and arrested for Criminal Trespassing on United States Forest Service land.

Because Officer Moreno did not exercise his lawful duty to verify that he had the authority to remove and arrest Mr. Myers for criminal trespassing, his actions represent a violation of both state law and Mr. Myers civil rights.

Mr. Myers was unlawfully detained and arrested for a crime that probable cause did not exist for Officer Moreno to arrest Mr. Myers and charge him with.

Because Officer Moreno detained and arrested Mr. Myers in violation of the 4<sup>th</sup> amendment which requires actual probable cause this represents a violation of Section 1983 for 4<sup>th</sup> amendment violation

There was nothing reasonable about More getting out of his patrol car, pulling his gun out immediately, walking up to Myers vehicle and pointing his gun directly at Myers girlfriend head and dogs inside the vehicle.

There was nothing reasonable about Moreno attacking Myers and slamming him to the ground violently for a perceived “trespassing” violation on National Forest land.

Trespassing is not even an arrestable offense on National Forest land unless previous permission to enter has been revoked in US District Court through procedural due process. Not on the whim of a toilet cleaner who had his ego hurt.

**(COUNT FOUR)**

**4th Amendment Violation- Malicious Prosecution**

**42 U.S.C. 1983**

**Defendants named in their individual capacity:**

**Kent Wahlquist**

**Mary Carmack Altweis**

**Angel Moreno**

Because this arrest and prosecution terminated without conviction, the statute of limitations has expired, and the arrest lacked probable cause, this allows the 1983 claim of malicious prosecution.

This was clearly an unlawful arrest, in retaliation for Myers exercising his 1<sup>st</sup> amendment rights.

Therefore the prosecution of Myers for an arrest that lacked probable cause is a 4<sup>th</sup> amendment Malicious prosecution claim

Initially Officer Angel Moreno was prosecuting this case as “officer prosecuted” under New Mexico state law that allows State Troopers to prosecute misdemeanors in their capacity as an officer.

Myers filed a demand for a jury trial and Moreno utilized an exception in the officer prosecuted statute to turn the case over to the First Judicial District Attorney Mary Carmack Altweis

Kent Wahlquist was the assigned prosecutor who willful, intentionally, and knowingly furthered a malicious prosecution of Myers for over 2 years until it was finally terminated by a New Mexico judge for lack of probable cause.

**(COUNT FIVE)**

**14th Amendment Violation- Procedural Due Process**

**42 U.S.C. 1983**

**Defendants named in their individual capacity:**

**Kent Wahlquist**

**Mary Carmack Altweis**

**Angel Moreno**

Myers had his procedural due process rights violated when he was arrested, and taken to jail for simply existing on National Forest land open to the public without pre-deprivation due process.

Myers was never given notice, opportunity to be heard, and an impartial tribunal to decide if he was excluded from the Carson National Forest by a US District Court

Myers had no way of challenging this unconstitutional policy or practice prior to being arrested for violating it.

Myers was arrested for violating the unconstitutional as applied policy without ever being given notice the policy even existed.

Myers then had his protected liberty interests to assemble, speak, petition in a public forum taken from him in the form of criminal charges.

Myers was never given post-deprivation due process after his arrest either.

These are a clearly established rights

**(COUNT SIX)**

**14th Amendment Violation- Substantive Due Process**

**42 U.S.C. 1983**

**Defendants named in their individual capacity:**

**Kent Wahlquist**

**Mary Carmack Altweis**

**Angel Moreno**

Myers had his right to substantive due process violated when his protected liberty interests were deprived from him in a public forum, without any due process.

Myers was unlawfully arrested without probable cause.

An arrest requiring probable cause is a Substantive right.

This is a clearly established right

Myers right to speak and assemble on National Forest land without prior permission being revoked, is also a clearly established substantive right

Myers also has a substantive right to be free from malicious and retaliatory prosecution

**PRAYER FOR RELIEF**

Award Myers compensatory, nominal, and punitive damages;

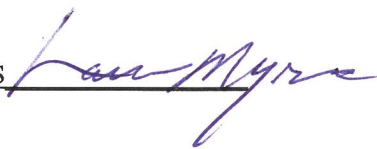
Award Myers his costs; and

Award such other relief as the Court deems appropriate.

**DEMAND FOR JURY TRIAL**

In compliance with Federal Rule of Civil Procedure 38, Plaintiff demands a trial by jury on all issues so triable.

7-1-2026

/s/ 

Pro Se